

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, DECEMBER 12, 2019

Meeting Convened at 6:30 p.m.

Prayer: Sid Purser

Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Sid Purser, Connie Fogle, and Steve Davis; City Building Inspector Cliff Morris; Planning and Zoning Chair Dave Thompson; Citizens Bruce Arnell, Joy Ball, JoAnn Clark, Sarah Littlefield, Barbara Lusk, Davis Morgan, John Morgan, Catherine Nielsen, and Ron Smith.

PUBLIC HEARING (Proposed Title 9 Revisions): Mayor Ogden introduced the proposed ordinance to modify the duties and responsibilities of the Planning and Zoning Administrator to be more efficient. He gave a brief history which included a council and planning and zoning work meeting. He asked if there were any ex parte communications. Wendy McLaughlin reported that there were no prior written testimonies submitted.

The mayor called for those in favor of the Title 9 revisions. No one testified.

The mayor called for those neutral to the Title 9 revisions.

Catherine Nielsen wanted more clarification on the “Repealer Clause” in Section 3 and was concerned about the effective date of September 12, 2019 in Section 5.

Jill Moss was also concerned about the “Repealer Clause” in Section 3 and felt if there were any changes that needed to be made that were in conflict that the citizens should be made aware of them first.

Joy Ball stated the effective date should be the approval date and also did not like the repealer clause. The word “among” should be changed back to the word “of” in Title 9-1-4B(2) second sentence starting with “Business of the commission shall” as stated in the minutes of the work meeting.

The mayor called for those against the Title 9 revisions.

Barbara Lusk stated the effective date should be the approval date and that administrator assistance changes as stated in Title 9-1-3 A - first paragraph, should have council approval.

Elaine King also expressed her concerns about the effective date and repealer clause. She also wanted the wording changed in Title 9-1-4B(e) to read “The administrator *shall* to *may* assist the chairman.

The mayor asked for City Attorney Dylan Anderson to respond.

Attorney Anderson addressed the concerns about the “Repealer Clause” and said it is necessary in legislation and ordinances and means the latest law takes precedence. He advised the council that it should remain.

The effective date stated in Section 5 as “September 12, 2019” was a clerical oversight as

the process in bringing forth the revisions took several months. The effective date will be the approval date.

The word change from “among” to “of” means the same.

7:00 p.m. The public hearing ended and the regular council meeting began.

TITLE 9 AMENDMENTS: The council approved the proposed Title 9 revisions with no changes to the repealer clause, using Joy Ball’s and Elaine King’s recommendations on word changes, and changing the effective date to December 12, 2019.

Ordinance No. 349_2019 was introduced by title only by Councilman Barrus entitled:

“AN ORDINANCE TO MODIFY THE DUTIES AND RESPONSIBILITIES OF THE PLANNING AND ZONING ADMINISTRATOR, SSC 9-1-3, AND THE PLANNING AND ZONING COMMISSION, 9-1-4.”

It was moved by Councilman Barrus and seconded by Councilman Davis to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis

Those voting nay: None

Thereupon, the mayor declared that the motion, having been passed by not less than two-thirds of the council, had been duly carried. It was moved by Councilman Barrus and seconded by Councilman Davis to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis

Those voting nay: None

Ordinance No. 349_2019 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No 349_2019 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

MINUTES of Regular Meeting 11-14-19: Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on Thursday, November 14, 2019. Each councilmember had a copy of the minutes prior to the meeting.

MOTION: It was moved by Councilman Davis and seconded by Councilwoman Fogle to accept the minutes; motion carried.

MINUTES of Special Meeting 12-2-19: Mayor Ogden asked if there were any corrections to the minutes of the special meeting held on Monday, December 2, 2019. Each councilmember had a copy of the minutes prior to the meeting.

MOTION: It was moved by Councilman Purser and seconded by Councilman Barrus to accept the minutes; motion carried.

RECONCILIATION REPORTS: The council asked general questions to clarify items on the bank statements and financial reports.

Wendy presented the November reconciliation reports for the General Fund. It was moved by Councilman Barrus and seconded by Councilman Davis to accept the November reconciliation reports for the General Fund; motion carried.

Wendy presented the November reconciliation reports for the Utility Fund. It was moved by Councilman Davis and seconded by Councilwoman Fogle to accept the November reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$147,714.72. It was moved by Councilman Barrus and seconded by Councilman Purser to pay the current bills, together with all regular December bills; motion carried.

OLD FARM TOWNHOMES DIVISION #3 FINAL PLAT: The council approved the final plat for Old Farm Townhomes in Old Farm Estates Division No. 3 with Memos of Understanding for the maintenance of Lot 4 Block 15 and the private utility easement (see Attachments 1 & 2).

MOTION: It was moved by Councilman Barrus and seconded by Councilman Davis to approve the Old Farm Townhomes Final Plat and Memos of Understanding and authorize the mayor to sign the final plat. Thereupon the clerk called roll upon the motion:

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis

Those voting nay: None

PLANNING AND ZONING (P&Z) COMMISSION REPORT: Chairman Dave Thompson reported on the following items:

Preliminary Plat Old Farm Estates Division #4 Public Hearing: The public hearing was well attended. No recommendation is being made as the applicant is amending the application.

Kelton Larsen Property: The Industrial Park or Kelton Larsen's property needs to be platted.

Old Farm Estates Division #3 Apartments Special Use Permit: The commission reviewed the special use permit and wants to see a landscape plan with outdoor amenities and snow storage. No public hearing was set.

Jerky Plant Zone Change Application: Design Review is reviewing the plans for the building and site. There are some details that need to be worked out. There may be no need to change the zone.

New Design Review Board Members: No report

Planning and Zoning Commission Retirees: There may be three commission members leaving at the end of the year. They may not need to be replaced or needed.

TRANSIENT SOLICITOR FEES BY RESOLUTION: The council adopted a new transient solicitor law to allow door-to-door salesmen. A background check fee plus an annual license fee of \$250 will help protect citizens. The sales representative will also be required to wear identification that indicates they have a city permit.

RESOLUTION NO. 2019-13 (A Resolution to Set the Fees for Transient Solicitor Licenses)
– Resolution No. 2019-13 was presented to the council by title only.

MOTION: It was moved by Councilman Davis and seconded by Councilwoman Fogle to set the fees for transient solicitor licenses and the background checks required in the new city code. Thereupon the clerk called roll upon the motion:

Those voting aye: Councilors Barrus, Purser, Fogle, and Davis

Those voting nay: None

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment #3."

DESIGN REVIEW BOARD APPOINTMENTS: No report.

BACKUP GENERATOR FOR SOUTH LIFT STATION: The council authorized the city to purchase a backup generator that will service all of Old Farm Estates and the Ponderosa subdivision for the south lift station.

MOTION: It was moved by Councilwoman Fogle and seconded by Councilman Davis to authorize the mayor to purchase a used generator; motion carried.

CITY-WIDE CLEAN UP: Public Works Director Arlynn Jacobson reported that the city is losing about \$6,000 on the two city-wide clean-ups each year. And Ards Dump will no longer be able to accept bagged items since the fire earlier. It would be more cost effective to supply two extra dumpsters in the spring and fall to coincide with the city-wide clean-ups.

MOTION: It was moved by Councilman Davis and seconded by Councilman Barrus to supply dumpsters for the two city-wide clean-ups in the fall and spring, with next Spring being the last city-wide clean-up as currently provided by the city; motion carried.

HERITAGE PARK PAVILLION: No report.

MAYOR'S REPORTS:

Council Tablets Update: The city purchased tablets for each council member and the mayor to facilitate the council packets, provide access to the code, and reduce paper cost. Be careful with the open meeting law in how the information is shared.

Madison Transportation Plan: The Madison Transportation Plan needs to be updated and Madison County is currently working on a grant application to help. The city will provide a letter of support. There may be some cost to the city as well.

Well Project Update: The water system project total is \$3.9 million with \$667,000 left to draw. The project will close next spring when the final testing of the well can be completed. The city is right on budget even though the project is taking longer than anticipated of complete.

Christmas Dinner: The mayor expressed thanks for a nice dinner and those involved. He also expressed his appreciation for the council and staff. The council expressed their appreciation for the mayor.

DEPARTMENT REPORTS:

COUNCILMAN BARRUS: No report

COUNCILMAN PURSER: No report

COUNCILWOMAN FOGLE:

LEPC Meeting: Cancelled

COUNCILMAN DAVIS: No report.

Meeting adjourned at 9:05 p.m.

Signed: _____
Mayor Dave Ogden

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

Memorandum of Understanding

By and Between

Jeff Lerwill and Ryan Lerwill

And

City of Sugar City

This Memorandum of Understanding (MOU) is made and entered into on December 11, 2019, by and between Jeff Lerwill and Ryan Lerwill (Subdivider) and the City of Sugar City (Municipality).

The purpose of this MOU is to address the agreement to certify that the Public Utility Easement which was mistakenly notated as such on the final plat, is in fact a Private Utility Easement, and is the responsibility of the Subdivider.

The Subdivider hereby agrees to the following: to construct the private utilities subject to the city's inspection and approval.

By: _____
Jeff Lerwill
Owner

By: _____
David Ogden
Mayor, City of Sugar City

By: _____
Ryan Lerwill
Owner

Memorandum of Understanding

By and Between

MAC Brothers Holding, LLC

And

City of Sugar City

This Memorandum of Understanding (MOU) is made and entered into on December 11, 2019, by and between Mac Brothers Holding, LLC (Subdivider) and the City of Sugar City (Municipality).

The purpose of this MOU is to address the agreement to maintain Lot 4, Block 15, of the Old Farm Estates Subdivision, Division No. 3., until such time as the lot is developed in some other agreed upon use.

The Subdivider hereby agrees to the following: to maintain Lot 4, as described above, by either continuing to farm the lot, or by landscaping it.

The Municipality hereby agrees to present this memorandum and the final plat, being a replat of Lot 3 & 4, Block 15, of the Old Farm Estates Subdivision, Division No. 3, to the City Council of the City of Sugar City, for approval and execution.

By: _____
Ray McDougal, Managing Member
MAC Brothers Holding, LLC

By: _____
David Ogden, Mayor
City of Sugar City

The City of Sugar City, Idaho

Resolution No. 2019 - 13

"A Resolution to Set the Fees for Transient Solicitor Licenses and the Background Checks Required in the New City Code."

WHEREAS, the Council of the City of Sugar City, Idaho desires to set the application fee and background check requirements, as required in Sugar City Code 3-2B-1 for the licensing of Transient Solicitors within the city limits of Sugar City;

WHEREAS, under Ordinance No.: 348, which established the new license requirements for Transient Solicitors, a fee must be established for the process by resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

TITLE 3-2b-1(A)(B), DECLARATION OF NUISANCE: The annual license fee is \$250.00 for each Transient Solicitor application, along with the Transient Solicitor being required to pay the cost of a background check done by the Madison County Sherriff's office, as required by city code.

PASSED by the Council of the City of Sugar City on this 12th day of December, 2019

APPROVED by the Mayor of the City of Sugar City on this 12th day of December, 2019.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer